IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3025 of 1995

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

STATE OF GUJARAT

Versus

SK PARMAR

Appearance:

1. Special Civil Application No. 3025 of 1995

MR KP RAVAL A.G.P. for Petitioner No. 1-1/1

MR PH PATHAK for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 13/08/2004

ORAL JUDGEMENT

1.0. The petitioner State of has preferred this petition against the judgment and award dated 10th November, 1994 in Reference [L.C.K.] No. 40 of 1991

whereby, the Labour Court, Kalol has directed the petitioner State to reinstate the respondent-workman on his original post with backwages.

2.0. The short facts as they emerge from the record of the petition are that the respondent-workman was appointed under a contract of employment on a fixed contractual consideration payable as per the hour rate, prescribed by the Government from time to time. It is the say of the petitioner that on getting the assignment as a Hamal in the State Transport Depot, the respondent-workman did not turn up for work or renewal of his assignment on contractual terms. It is also the say of the petitioner that since the respondent-workman was appointed on contractual basis, he cannot be termed as "Workman" within the meaning of Section 25-F of the I.D. Act. The petitioner further submitted that since the respondent-workmen did not turn up, the petitioner had no other option but to enter into an agreement with other person.

2.1. Being aggrieved by that, the respondent-workman raised industrial dispute which ultimately was referred to the Labour Court for adjudication. Before the Labour Court both the parties adduced evidence. After appreciating the material produced before it, the Labour allowed the Reference in favour of the respondent-workman with the aforesaid direction. Hence, his petition.

3.0. I have heard the learned advocates for the respective parties. Mr. Pathak learned advocate appearing for the respondent submitted that the petitioner has already implemented the award of the Labour Court and pursuant to the order dated 30th May, 1995, the respondent-workman is reinstated in service. From the record, it is clear that the amount of backwages are also granted to the respondent-workman.

3.1. In view of the above, nothing is required to be done in this matter. Thus, the petition stands disposed of. Rule is discharged with no order as to costs. Interim relief if any, stands vacated.

[K.S. JHAVERI, J.]

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